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Attorney for Defendant
CARLO MIRELES

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	NO. CR S 03-535-DFL
)	
Plaintiff,)	
)	STIPULATION RELEASING DEFENDANT
v.)	FROM PRE-SENTENCE CUSTODY UPON
)	PREVIOUSLY-IMPOSED CONDITIONS OF
CARLO MIRELES,)	RELEASE; PROPOSED ORDER
)	
Defendant.)	
)	Judge: Hon. David F. Levi
_____)	

Defendant Carlo Mireles pleaded guilty on February 12, 2004. Mr. Mireles has cooperated with the United States by participating in debriefings and by assisting in the return of property obtained by proceeds derived from the activities underlying this case. Between December 22, 2003, and September 8, 2005, Mr. Mireles was out of custody and supervised by the Pretrial Services office without incident. In anticipation of his co-defendant Scott Poll's trial, to make himself available for pre-trial preparation, and to begin service of an anticipated sentence, Mr. Mireles voluntarily surrendered to

1 custody in the Eastern District on September 8, 2005. Mr. Poll
2 subsequently decided to plead guilty. However, his sentencing has been
3 postponed several times. The current date for sentencing is August 3,
4 2006. During this time, Mr. Mireles has remained in the Sacramento
5 County Jail.

6 Mr. Mireles hopes to receive a motion from the government for a
7 reduction in his sentence under §5K of the Sentencing Guidelines. Both
8 the government's attorney and Mr. Mireles's attorney desire that this
9 potential motion be made after Mr. Poll is sentenced. Thus, Mr.
10 Mireles's sentencing has been postponed indefinitely.

11 Because Mr. Mireles does not pose a flight risk or a danger to the
12 community if released and because there is no reason why the government
13 should continue to expend funds housing Mr. Mireles for an indefinite
14 period of time, the parties have agreed that he can and should be
15 released from detention pending sentencing. Counsel for Mr. Mireles
16 has conferred with Pre-trial Services officers Sandra Hall and Robert
17 Duncan, who concur with the decision to return Mr. Mireles to pre-trial
18 supervision. The parties stipulate and agree, therefore, that a
19 release order should issue forthwith from the court, ordering Mr.
20 Mireles's release from detention upon his personal recognizance and
21 upon the following previously-imposed conditions of release:

22 1. Defendant Mireles may remain on release from custody
23 pending sentencing in this matter.

24 2. Defendant Mireles shall remain subject to supervision by
25 the Pretrial Services Office.

26 3. Defendant shall reside with his parents, his wife, and
27 child at 87-336 Kaohe Road, Captain Cook, Hawaii 96704, and
28 shall not change his residence without the express permission

1 of Pretrial Services.

2 4. Defendant may travel only within the Eastern District of
3 California and the District of Hawaii. He may travel outside
4 of these districts only with the express permission of
5 Pretrial Services.

6 5. Defendant understands his obligations under the plea
7 agreement to continue cooperating with the government and to
8 continue making himself available for further debriefings or
9 testimony, if necessary. By changing his residence to
10 Hawaii, defendant Mireles agrees to assume responsibility to
11 pay any increase in transportation costs above the costs the
12 government would normally have for transporting him from his
13 prior residence, for further debriefings, testimony, or
14 sentencing.

15 6. All previously-imposed conditions of release shall remain in
16 effect. Pretrial Services shall advise the Court and the parties
17 if it believes any other conditions are appropriate to
18 effectively supervise defendant Mireles and assure his presence
19 at all future proceedings.

20 7. This order shall be served upon the Pretrial Services
21 office for the Eastern District of California and the
22 District of Hawaii and the parties.

23 Dated: May 19, 2006

Respectfully submitted,

24 MCGREGOR W. SCOTT
25 United States Attorney

26 /s/ Daniel Broderick for
27 S. ROBERT TICE-RASKIN
28 Assistant U.S. Attorney
Attorneys for Plaintiff

/s/ Daniel J. Broderick
DANIEL J. BRODERICK
Acting Federal Defender
Attorney for Defendant
CARLO MIRELES

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) NO. CR S 03-535-DFL
)
Plaintiff,)
) ORDER MODIFYING CONDITIONS OF
v.) RELEASE
)
CARLO MIRELES,)
)
Defendant.)
)
_____)

Pursuant to the stipulation of the parties, filed on May 19, 2006,
and for the reasons stated therein, IT IS HEREBY ORDERED that
Carlo Mireles shall forthwith be released from custody upon his
personal recognizance and upon the following conditions of release:

1. Defendant Mireles may remain on release from custody
pending sentencing in this matter.
2. Defendant Mireles shall remain subject to supervision by
the Pretrial Services Office.
3. Defendant shall reside with his parents, his wife, and
child at 87-336 Kahohe Road, Captain Cook, Hawaii 96704, and
shall not change his residence without the express permission
of Pretrial Services.
4. Defendant may travel only within the Eastern District of
California and the District of Hawaii. He may travel outside
of these districts only with the express permission of

Pretrial Services.


5. Defendant Mireles shall be responsible for paying any increase in transportation costs above the costs the government would normally have for transporting him from his prior residence, for further debriefings, testimony, or sentencing.

6. All previously-imposed conditions of release shall remain in effect. Pretrial Services shall advise the Court and the parties if it believes any other conditions are appropriate to effectively supervise defendant Mireles and assure his presence at all future proceedings.

7. This order shall be served upon the Pretrial Services office for the Eastern District of California and the District of Hawaii and the parties.

DEFENDANT IS FURTHER ADVISED that he shall appear on time at all proceedings as required and shall surrender for service of any sentence imposed as directed. It is a criminal offense under Title 18 U.S.C. §3146, if, after having been released, the defendant knowingly fails to appear as required by the conditions of release, and any term of imprisonment imposed for failure to appear or surrender shall be consecutive to any sentence imposed for any other offense.

Dated: May 22, 2006



DAVID F. LEVI
United States District Judge